

# **EXHIBIT 9**



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October 14, 2020

Via E-Mail

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**Re: *Wapp Tech Ltd. Partnership, et al. v. Seattle SpinCo, Inc., et al.*, 4:18-cv-00469-ALM  
(E.D. Tex)**

Counsel,

This past Monday, October 12, Mr. Harkins advised that his firm, as well as Siebman Forrest Burg & Smith and Mann Tindel & Thompson, would yesterday file either a substitution of counsel or a motion to withdraw. He further advised that any motion to withdraw would include a request that the action be stayed and deadlines be extended by 60 days, in order to give Wapp Tech time to find new counsel and its new counsel time to get up to speed. None of that happened.

We expect plaintiffs to meet their various obligations under the current schedule. This includes opening expert reports on liability and damages, which are due on November 2, 2020.

Also, Mr. Harkins confirmed in a call last Wednesday that even plaintiffs believe their deadline to supplement infringement contentions under P.R. 3-1(g) expires no later than 60 days after source code was made available for inspection in our Irvine office. (We believe that for code made available

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at Gibson Dunn's Dallas office in December 2019, that deadline expired in February.) The first tranche, comprising code that has been available at Gibson Dunn's Dallas office since last December, was available in Irvine and began to be inspected by plaintiffs' experts on July 10. Even under plaintiffs' theory, this means their deadline to supplement contentions based on that code expired on September 8, 2020. The second tranche was available for inspection in Irvine not later than August 18, as Mr. Shelton confirmed in letters dated August 17, 18, and 21. Even under plaintiffs' theory, the deadline to supplement based on the second tranche will be this coming Monday, October 19.

Sincerely,

MASCHOFF BRENNAN

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